

## **CHAPTER 7-08 GENERAL PROVISIONS**

**7-08-01. Operation without authority prohibited - Penalty.** No association or corporation, whether foreign or domestic, may do business or attempt to do business as defined in this title without first complying with its provisions and without having received a certificate of authority to do business from the commissioner of financial institutions as provided in this title. Any association or corporation violating any of the provisions of this title is guilty of a class C felony.

**7-08-02. Certified copy of articles prima facie evidence.** A certified copy of any articles of incorporation filed in accordance with this title must be received in all courts and other places as prima facie evidence of the facts therein stated.

**7-08-03. Evidence of corporate existence or capacity.** The certificate issued by the secretary of state in accordance with this title, or a certificate issued by the commissioner of financial institutions setting forth that any domestic association or foreign corporation has fully complied with the provisions of this title and is lawfully authorized to transact business in this state, must be admitted in evidence in all courts in this state, and is prima facie evidence of the corporate character and capacity of such association or corporation and of its right to transact business in this state except in actions prosecuted by the state in the nature of quo warranto.

**7-08-04. Slander and libel - Penalty.** Any person who willfully and maliciously makes, circulates, or transmits to another or to others, any statement, rumor, or suggestion, written, printed, or by word of mouth, which is directly or by inference derogatory to the financial condition or which affects the solvency or financial standing of any domestic or foreign building and loan association or corporation doing business in this state, or who counsels, aids, procures, or induces another to start, transmit, or circulate any such statement or rumor, is guilty of a class A misdemeanor, and in addition thereto is liable in damages to such association or corporation, or the receiver thereof, to be recovered in a civil action brought for that purpose.

**7-08-05. Penalties - How recovered.** All penalties provided for in this title, to which any association or corporation, either domestic or foreign, or any individual, may become subject, shall be recovered on complaint of the commissioner of financial institutions in any court of competent jurisdiction, and all penalties so recovered must be paid into the state treasury.

**7-08-06. Punishments of felonies and misdemeanors.** Repealed by S.L. 1975, ch. 106, § 673.